

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

JOHN WARREN MUNN,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-05-59-L
)	
T.C. PETERSON, Warden,)	
)	
Respondent.)	

ORDER

This matter is before the court for review of the Report and Recommendation entered by United States Magistrate Judge Doyle W. Argo on March 21, 2005. Petitioner, a federal prisoner appearing *pro se*, brings this action seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The Magistrate Judge recommended that the court deny petitioner's § 2241 claim on the merits.

The court file shows that petitioner filed a written objection to the Report and Recommendation, which the court has carefully considered. The court has reviewed the objection, but finds that it is insufficient to justify overturning the conclusions of the Magistrate Judge in this matter. The Magistrate Judge properly found that a parole commission parole violator warrant is included in the BOP's list of documentation normally used to commit prisoners to BOP facilities. Petitioner has failed to provide any authority to support his claim that due process requires that a judgment and commitment order accompany a parole violator

upon return to BOP custody. Therefore, the Magistrate Judge was correct in finding that petitioner's due process rights were not violated when he was returned to federal custody by virtue of a parole violator warrant rather than a parole violator warrant with a judgment and commitment order.

Accordingly, having conducted a *de novo* review of the matter, the court finds that the Report and Recommendation should be adopted in its entirety. Therefore, **the respondent's motion to dismiss [Doc. No. 12] is denied, however, the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 is DENIED on its merits. This action is DISMISSED.**

It is so ordered this 18th day of April, 2005.



TIM LEONARD
United States District Judge